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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,	)	Case No. 02AS04545
a state agency,	)	
	)	
Plaintiff,	)	DECLARATION OF STEVEN
	)	BENITO RUSSO IN SUPPORT OF
v.	)	MOTION TO AMEND FIRST
	)	AMENDED COMPLAINT
	)	[C.C.P. § 473(a)]
AGUA CALIENTE BAND OF CAHUILLA	)	
INDIANS, and DOES I-XX,	)	Date: November 26, 2002
	)	Time: 2:00 p.m.
Defendants.	)	Dept: 53
	)	Judge: Hon. Loren McMaster
	)	Action Filed July 31, 2002
	)	No Trial Date Set
	)	
	)	

I STEVEN BENITO RUSSO, hereby declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the State of California and I am the Chief of the Enforcement Division of the Fair Political Practices Commission. The following statements are based upon my personal knowledge, and I could competently testify thereto if called as a witness.

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1           2.       The Fair Political Practices Commission proposes to file a Second Amended Complaint  
2 for Civil Penalties and Injunctive Relief Under the Political Reform Act of 1974, As Amended  
3 (hereinafter “Second Amended Complaint”), a true and correct copy of which, with the changes  
4 highlighted, is attached hereto as Exhibit A and is incorporated herein by this reference.

5           3.       The Second Amended Complaint changes the First Amended Complaint in the  
6 following particulars only:

7                   a.       Government Code § 91005.5 is added to the caption as a basis for the complaint.

8                   b.       A Second Cause of Action for One Violation – Failure to Report a Contribution  
9 to a Statewide Ballot Measure Committee on a Semi-Annual Campaign Statement is added on page 6 at  
10 line 10 through page 7, line 26.

11                  c.       The original Second Cause of Action is renumbered to be the Third Cause of  
12 Action.

13                  d.       The title of the new Third Cause of Action is changed from Fourteen Violations  
14 to Thirteen Violations to accurately reflect the number of violations asserted against the defendant in  
15 that Cause of Action.

16                  e.       The original Third Cause of Action is renumbered to be the Fourth Cause of  
17 Action.

18                  f.       Specific changes are made to the Prayer for Relief to correspond to the changes  
19 made to the body of the complaint. In particular, a request for injunctive relief is added to the prayer  
20 for the new Second Cause of Action, and the original First and Second Causes of Action, which were  
21 consolidated for purposes of the prayer, are now treated separately as the First and Third Causes of  
22 Action, and the original Third Cause of Action is now denominated the Fourth Cause of Action to  
23 correspond with the same change in the body of the complaint.

24           4.       This is an action for civil penalties and injunctive relief for violations of the Political  
25 Reform Act of 1974, of which the Fair Political Practices Commission is charged with ensuring  
26 compliance and enforcing. The FPPC originally filed its complaint against Defendant Agua Caliente  
27 Band of Cahuilla Indians (hereinafter “the Agua Caliente Band”) on July 31, 2002, with one cause of  
28 action, and asserting only one violation of the Political Reform Act to preserve the statute of limitations

1 as to that violation, while the FPPC attempted to negotiate a settlement with the Agua Caliente Band.  
2 When settlement discussions did not progress, and the FPPC's deadline to serve the complaint under  
3 the court's Accelerated Civil Trial rules was approaching, the FPPC filed its First Amended Complaint  
4 on September 26, 2002, and served Defendant with the Complaint and the First Amended Complaint.

5         5.       Yes on Proposition 51, Conservationists, Farmers, Home Builders, Native Americans,  
6 Higher Education, Community Groups Seeking Safe and Reliable Transportation, a Project of the  
7 Planning and Conservation League (hereinafter "Yes on 51"). is a state ballot measure committee,  
8 which is primarily formed to support the passage of Proposition 51 in the November 2002 general  
9 election. Proposition 51 proposes that sales and use taxes from the sale or lease of motor vehicles be  
10 redirected to finance specified transportation and other projects. Timely disclosure of the contributions  
11 supporting this measure is, therefore, especially important, so that voters may be able to evaluate who  
12 might stand to gain from passage of the measure. Among the projects provided for under Proposition  
13 51 is the expenditure of \$15 million in public funds per fiscal year, for eight years, for a passenger rail  
14 line from Los Angeles to Palm Springs and Indio, that will include a rail terminal on Ramon Road in  
15 the mid-Valley section of the Coachella Valley, and improvements to an existing rail terminal in Palm  
16 Springs. I am informed and believe, and thereon allege that Defendant Agua Caliente Band operates a  
17 casino on Ramon Road at Bob Hope Drive, in the mid-Valley section of the Coachella, and another  
18 casino in Palm Springs.

19         6.       Subsequent to the filing of the First Amended Complaint, within the last two or three  
20 weeks, in the course of its continuing investigation of the Agua Caliente Band's political activities for  
21 its prosecution of this case, the FPPC discovered that on or about March 13, 2002, the Agua Caliente  
22 Band issued a \$125,000 check, from its Economic Development fund, made payable to the "Planning &  
23 Conservation League." The voucher attached to the check describes the expenditure as "Ramon/Bob  
24 Hope/Train Ter" and as a "2<sup>nd</sup> Installment." A true and correct copy of the check and attached voucher  
25 is attached hereto as Exhibit B, and is incorporated herein by this reference.

26         7.       On the quarterly campaign statement that it filed electronically on or about July 31,  
27 2002, for the reporting period January 1, 2002 through March 31, 2002, Yes on 51 reported the  
28 \$125,000 check issued by Defendant Agua Caliente Band on March 13, 2002, as a contribution from

1 “Agua Caliente Band of Cahuilla Indians Economic Development.” True and correct copies of the  
2 relevant pages of Yes on 51’s quarterly campaign statement are attached hereto as Exhibit C and are  
3 incorporated herein by this reference. Note that, because this document was filed electronically, it was  
4 electronically signed, and a physical signature is not necessary for the verification to be valid.

5 8. Based on the above-stated facts, it became necessary for Plaintiff FPPC to amend its  
6 complaint to allege, based upon information and belief, that on or about March 13, 2002, Defendant  
7 Agua Caliente Band made a contribution of \$125,000, from its Economic Development fund,  
8 designated for Yes on Proposition 51, with the Planning and Conservation League serving as an  
9 intermediary for that contribution. Defendant Agua Caliente Band did not disclose this \$125,000  
10 contribution on its semi-annual campaign statement, which was filed on or about July 31, 2002, for the  
11 reporting period January 1, 2002 through June 30, 2002. Defendant Agua Caliente Band further  
12 misrepresented its total contributions for this period by at least \$125,000.

13 9. Defendant Agua Caliente Band has not yet responded to the First Amended Complaint,  
14 and has until November 15, 2002, to do so, pursuant to an agreement between the parties that service of  
15 the First Amended Complaint was deemed completed on October 16, 2002, and that an initial response  
16 to that complaint is due 30 days from that date.

17 10. It is necessary that the FPPC be permitted to file its Second Amended Complaint so that  
18 justice may be served and so that all of the Agua Caliente Band’s violations of the Political Reform Act  
19 to date may be resolved in one action, rather than requiring the FPPC to bring multiple actions to  
20 resolve these matters against the Agua Caliente Band.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
22 true and correct, except for those matters stated on information and belief and as to those matters, I  
23 believe them to be true.

24 Executed this 29th day of October, 2002 at Sacramento, California.

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26 \_\_\_\_\_  
27 STEVEN BENITO RUSSO  
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